

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Freer et al.


Serial No.: 10/532,252

Filed: 22 October 2003

For: SIGNALLING METHOD AND
APPARATUS

§ Group Art Unit:
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§ Examiner:
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§ Atty. Docket: 102.0002US PCT
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§

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF TRANSMISSION 37 C.F.R. 1.8	
I hereby certify that this correspondence was transmitted by facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 at 571-273-0459 on the date below:	
Nov. 15, 2005 Date	 Wayne Kanak

RENEWED PETITION UNDER 37 CFR 1.47(a) TO ACCEPT APPLICATION
WITHOUT SIGNATURE OF JOINT INVENTOR

Dear Sir:

Applicants John Freer and Mark McCorry again respectfully petition the Commissioner that their joint inventor, Alex Watt, be recognized as such for all purposes in the present application. Mr. Watt, of 43 Mormond Avenue, Fraserburgh AB43 9PX, United Kingdom, is a former employee of a UK affiliate of Schlumberger Technology Corporation, the assignee of the present application.

Inventors' Declaration and Assignment documents, and a copy of a Patent and Confidential Information Agreement that Mr. Watt signed on March 14, 2002, were sent by the undersigned's Intellectual Property Administrator, Ms. Paula Brooks, to Mr. Watt at his residence by express courier on March 17, 2005. A statement by Ms. Brooks attesting to the dispatch of these documents is attached hereto.

On April 15, 2005 the undersigned placed a telephone call from Southampton, United Kingdom, to Mr. Watt at his residence at 44 1346 511877. During the ensuing conversation Mr. Watt advised the undersigned of his refusal to sign the Inventors' Declaration and

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Assignment of the application to Schlumberger Technology Corporation. Mr. Watt did not give a reason for his refusal to sign these documents.

At 8:00 pm on November 10, 2005 the undersigned placed a telephone call from Winchester, United Kingdom to Mr. Watt at his residence. During the ensuing conversation Mr. Watt again advised the undersigned of his refusal to sign the Inventor's Declaration and Assignment and expressly stated that the application papers (specification, including claims, drawings, Inventors' Declaration, and Assignment) should not be sent to him. Mr. Watt again did not give a reason for his refusal to sign the Inventors' Declaration and Assignment.

Pursuant to Paragraph 6 of the Patent and Confidential Information Agreement that Mr. Watt signed on March 14, 2002 (copy attached to accompanying Statement of Paula Brooks), he has assigned his entire right, title, and interest in and to the present application to Schlumberger. A copy of the Inventors' Declaration signed by Mr. Watt's co-inventors, John Freer and Mark McCorry, is attached hereto.

Although no fee is believed to be required for this Renewed Petition, the Commissioner is authorized to charge any necessary fees or credit any overpayment to Deposit Account No. 50-2475.

Respectfully submitted,

Date: November 15, 2005



Wayne Kanak
Reg. No. 35,564
Attorney for the Applicants

Schlumberger Oilfield UK Limited
Gamma House
Enterprise Road
Chilworth Science Park
Southampton SO16 7NS
United Kingdom

44 2380 765512
44 2380 765505 (fax)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Freer et al.

Serial No.: 10/532,252

Filed: 22 October 2003

For: SIGNALLING METHOD AND
 APPARATUS

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Group Art Unit:

Examiner:

Atty. Docket: 102.0002US PCT

**STATEMENT OF PAULA BROOKS ACCOMPANYING RENEWED PETITION
UNDER 37 CFR 1.47(a) TO ACCEPT APPLICATION WITHOUT SIGNATURE OF
JOINT INVENTOR**

I, Paula Brooks, residing at 40 Willis Waye, Kings Worthy, Winchester SO23 7QT, United Kingdom, am employed as an Intellectual Property Administrator by Schlumberger Oilfield UK Limited, an affiliate of Schlumberger Technology Corporation, at Gamma House, Enterprise Road, Chilworth Science Park, Southampton SO16 7NS, United Kingdom.

I hereby attest that on March 17, 2005 I dispatched by express courier to Mr. Alex Watt of 43 Mormond Avenue, Fraserburgh AB43 9PX, United Kingdom the following documents related to the subject patent application:

- Copy of a Patent and Confidential Information Agreement that Mr. Watt signed on March 14, 2002
- Assignment document for Canadian counterpart application
- Assignment document for US application
- Declaration for US application.

True and correct copies of the cover letter to Mr. Watt that accompanied these documents, and the Patent and Confidential Information Agreement that Mr. Watt signed on March 14, 2002, are attached hereto.

Respectfully submitted,

Date: November 15, 2005



Paula Brooks

Schlumberger Oilfield UK Limited
Gamma House
Enterprise Road
Chilworth Science Park
Southampton SO16 7NS
United Kingdom

44 2380 765607
44 2380 765505 (fax)

Paula Brooks
Intellectual Property Administrator

Schlumberger Oilfield UK plc
Gamma House
Enterprise Road
Chilworth Science Park
Southampton SO16 7NS
United Kingdom

Direct Dial: 44 (0) 2380 765607

Facsimile: 44 (0) 2380 765505

pbrooks@southampton.oilfield.slb.com

Schlumberger

COPY

By courier

17th March 2005

Mr. Alex Watt
43 Mormond Avenue
Fraserburgh
AB43 9PX
United Kingdom

Our ref: **101.0002 PCT US & CA**

New filing of Patent Application for "SIGNALLING METHOD AND APPARATUS" in US and Canada

Dear Alex,

As per your telephone conversation with Wayne Kanak, please find enclosed a copy of the Patent and Confidential Information Agreement, which was signed by yourself whilst you were an employee for Schlumberger. I have highlighted the paragraphs relevant to the current query.

Upon reading the document, if possible, please can you complete the enclosed documents and return them to me as soon as possible as this is now an urgent matter. Please note that I have amended the documents to show your new/current address, as you advised on the telephone.

Documents enclosed:

- Assignment document for CA Patent Application
- Assignment document for US Patent Application
- Declaration document for US Patent Application

Please note that two of the above documents need to be witnessed.

Upon completion, please can you return all three documents via courier to the address above, addressed for my attention.

Many thanks in advance for your help in this matter.

If you have any questions, please do not hesitate to contact me.

Yours sincerely,


Paula Brooks
Intellectual Property Administrator

Encs. (Assignment documents X2)

(Declaration document X1)

(Copy of signed Patent and Confidential Information Agreement)

Schlumberger

10/0002

G-115

PATENT AND CONFIDENTIAL INFORMATION AGREEMENT

THIS AGREEMENT is entered into by and between the company Schlumberger Evaluation and Production Services (UK) Limited that is the legal Employer of Employee, acting on behalf of itself and its Affiliates (hereinafter collectively referred to as "Company"), and Alex Watt (herein referred to as "Employee"), and shall become effective as of the date Employee is employed by Company.

In consideration of the employment or continued employment of Employee by Company and payment of a salary, wage or other remuneration, the parties agree as follows:

1. Employee will not remove from Company's facilities, except as required to perform work for Company, any materials that contain trade secrets or confidential information belonging to Company, including but not limited to invention records, computer software, formulas, processes, programs, methods of operations, customer information, logs, data, equipment, drawings, notes, manuals, or other materials whether produced by Employee or obtained from Company. Employee agrees to return all such materials to Company immediately upon request and in any event upon termination of employment.
2. Employee will not publish or disclose to anyone not employed by Company, nor use in any business other than Company's, any trade secrets or other confidential information or material of Company either during or after his or her employment.
3. Certain employees will as a result of their employment with the Company be exposed to trade secrets and confidential information that could be damaging to the Company if disclosed to the Company's competitors. Company wishes to place no more than reasonable limitations on Employee's subsequent employment opportunities, consistent with Company's critical need to protect its legitimate business interests. These limitations are outlined in Paragraph 4 below. In the majority of cases, Company would expect to issue to an employee, upon the effective date of termination, a written waiver of the limitations outlined in Paragraph 4 below. In those cases where (because of exposure to trade secrets or confidential information or otherwise) Company does not issue such a waiver upon the effective date of termination, and Employee subsequently finds that such limitations have become a serious handicap in securing further employment, then Employee agrees to make a written request to Company for a waiver of designated limitations before accepting employment in conflict with Paragraph 4 below, such request to include the name and address of the proposed employer and the location, position and duties of the proposed employment. A waiver may be granted by Company and will not be unreasonably withheld. In the event Company declines to grant such a waiver, Company undertakes to continue to pay Employee his average salary (based on previous twelve months' earnings), for the one year period referred to in Paragraph 4 below. During such period, at Company's option, Employee may or may not be required to report to work.
4. To protect Company against disclosure of such trade secrets and confidential information, and to shield Employee from pressure to use or disclose such secrets and information, Employee agrees that for a period of one year following the effective date of termination of his or her employment with Company, he or she will not become an employee, officer, director, or consultant to, nor serve in any other capacity, nor receive any compensation from, nor have any ownership interest in (all either directly or indirectly) any business, company, or other entity (including affiliates thereof) that is or is planning or preparing to be in the business of (i) seismic surveying, well drilling and completions, (ii) evaluating, treating and/or testing earth formations and bore-holes, both cased and uncased, (iii) interpreting the characteristics of earth formations and the applications of those interpretations; or (iv) conducting research and engineering or equipment manufacturing in any of the aforementioned fields of activity, in any of the geographic areas where Company provides services or has a physical location.

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Schlumberger

5. Employee will promptly furnish to Company a complete record of any and all ideas, discoveries, inventions, writings, and improvements that he or she solely or jointly may conceive or make during the course of his or her employment with Company and that relate in any way to Company's business or field of activities.
6. Employee agrees to grant and hereby does grant and assign to Company or its nominee his or her entire right, title, and interest in and to all ideas, discoveries, inventions, writings and improvements coming within the scope of Paragraph 5 above, together with any and all world-wide patent rights and copyrights in such ideas, discoveries, inventions, writings, and improvements. At Company's request and without further compensation beyond Employee's normal salary or wage, Employee agrees to (a) assist Company in preparing and prosecuting all applications for such patents and copyrights; (b) execute any and all instruments necessary to make, file and prosecute such applications; and (c) execute any and all instruments necessary to transfer title in and to such applications to Company or its nominee.
7. Employee will not disclose to Company, nor use in his or her work for Company, any confidential information of a third party that Employee is obligated to keep confidential.
8. This Agreement shall inure to the benefit of the successors and assigns of Company and be binding upon them and upon the heirs and legal representatives of Employee. Company's rights under this Agreement shall be fully assignable by Company to an Affiliate.
9. This Agreement shall supersede the terms of any prior agreement between Employee and Company and may be modified or amended only in writing, signed by an authorized representative of Company and by Employee.
10. "Affiliate" as used herein, means any corporation, now or in the future, directly or indirectly controlling, controlled by, or under common control with Company, where "control" in relation to any corporation means the ownership, direct or indirect, of 50% or more of voting rights or securities.

COMPANY:

By: R McKay
Louisa McKay
Personnel Manager

Date: 24/2/02

EMPLOYEE:

By: Alex Watt
Alex Watt

Date: 14/3/2

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: John Freer

Attorney Docket No: 102.0002

Serial No:

Art Unit: N/Y/A

Filed:

Examiner: N/Y/A

For: SIGNALLING METHOD AND APPARATUS

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

☐ Declaration Submitted with Initial Filing ☒ Declaration Submitted after Initial Filing

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SIGNALLING METHOD AND APPARATUS

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8 & 1.10

I hereby certify that this document and its attachments are being sent on the date indicated below to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450 by:

☐ facsimile to number _____

☐ first class mail.

☒ Express Mail: Post Office to Addressee No. EV _____ US.

DATE _____

the specification of which

☐ is attached hereto.

☒ was filed on 22nd October 2003 as United States Application Number _____ or
PCT International Application Number PCT/GB2003/004542.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers	Country	Foreign Filing Date	Priority Not Claimed	Certified Copy Attached	
				YES	NO
0224649.4	GB	23 rd October 2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Numbers	PCT Parent Number	Parent Filing Date	Parent Patent Number
	PCT/GB2003/004542	22 nd October 2003	

Direct all correspondence to:

**Patent Counsel
Schlumberger Reservoir Completions
Schlumberger Technology Corporation
Rosharon, Texas 77583-1590**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
John				Freer			
Inventor's Signature	John Freer					Date	8th Nov 2005
Citizenship	United Kingdom						
Residence Address	30 Kilmarnock Drive, Cruden Bay,						
Residence: City	Peterhead	State		ZIP	AB42 0NG	Country	United Kingdom
Post Office Address	30 Kilmarnock Drive, Cruden Bay,						
City	Peterhead	State		ZIP	AB42 0NG	Country	United Kingdom

Name of Second Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Mark				McCorry			
Inventor's Signature						Date	
Citizenship	United Kingdom						
Residence Address	60 Lee Crescent, Bridge of Don,						
Residence: City	Aberdeen	State		ZIP	AB22 8FJ	Country	United Kingdom
Post Office Address	60 Lee Crescent, Bridge of Don,						
City	Aberdeen	State		ZIP	AB22 8FJ	Country	United Kingdom

Name of Third Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Alex				Watt			
Inventor's Signature						Date	
Citizenship	United Kingdom						
Residence Address	43 Mormond Avenue,						
Residence: City	Fraserburgh	State		ZIP	AB43 9PX	Country	United Kingdom
Post Office Address	43 Mormond Avenue,						
City	Fraserburgh	State		ZIP	AB43 9PX	Country	United Kingdom

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Mark McCorry

Attorney Docket No: 102.0002

Serial No:

Art Unit: N/Y/A

Filed:

Examiner: N/Y/A

For: SIGNALLING METHOD AND APPARATUS

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231

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☐ Declaration Submitted with Initial Filing ☒ Declaration Submitted after Initial Filing

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My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SIGNALLING METHOD AND APPARATUS

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☐ facsimile to number _____

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DATE

the specification of which

☐ is attached hereto.

☒ was filed on 22nd October 2003 as United States Application Number _____ or
PCT International Application Number PCT/GB2003/004542.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

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I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers	Country	Foreign Filing Date	Priority Not Claimed	Certified Copy Attached	
				YES	NO
0224649.4	GB	23 rd October 2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Application Number(s)	Filing Date

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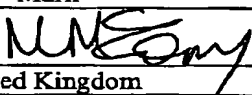
U.S. Parent Application Numbers	PCT Parent Number	Parent Filing Date	Parent Patent Number
	PCT/GB2003/004542	22 ND October 2003	

Direct all correspondence to:

**Patent Counsel
Schlumberger Reservoir Completions
Schlumberger Technology Corporation
Rosharon, Texas 77583-1590**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
John				Freer			
Inventor's Signature						Date	
Citizenship	United Kingdom						
Residence Address	30 Kilmarnock Drive, Cruden Bay,						
Residence: City	Peterhead	State		ZIP	AB42 0NG	Country	United Kingdom
Post Office Address	30 Kilmarnock Drive, Cruden Bay,						
City	Peterhead	State		ZIP	AB42 0NG	Country	United Kingdom

Name of Second Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Mark				McCorry			
Inventor's Signature						Date	11/5/05
Citizenship	United Kingdom						
Residence Address	60 Lee Crescent, Bridge of Don,						
Residence: City	Aberdeen	State		ZIP	AB22 8FJ	Country	United Kingdom
Post Office Address	60 Lee Crescent, Bridge of Don,						
City	Aberdeen	State		ZIP	AB22 8FJ	Country	United Kingdom

Name of Third Inventor				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Alex				Watt			
Inventor's Signature						Date	
Citizenship	United Kingdom						
Residence Address	43 Mormond Avenue,						
Residence: City	Fraserburgh	State		ZIP	AB43 9PX	Country	United Kingdom
Post Office Address	43 Mormond Avenue,						
City	Fraserburgh	State		ZIP	AB43 9PX	Country	United Kingdom

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